



## ANALYSIS

Title.	22. Exchanges of land.
1. Short Title and commencement.	23. Fencing of State forest land.
2. Interpretation.	24. State forest land not to be dealt with except pursuant to this Act.
	25. Maps of State forest land to be prepared and recorded.
	26. <i>Working plans.</i>
	27. Forest produce presumed to be the property of the Crown.
	28. Property in forest produce not to pass until paid for.
	29. Power to sell by auction without licence as auctioneer.
	<i>Licences, Leases, Permits, &amp;c.</i>
	30. Power to grant licences, leases, permits, &c.
	31. Licences.
	32. Leases.
	33. Permits.
	34. Service tenancies.
	35. Mining privileges and coal-mining rights.
	36. Timber-cutting leases or licences over coal-bearing lands in State forests.
	37. Minister to enforce obligations of licensee, &c.
	38. Boundaries to be kept clear.
	39. Forfeiture of forest produce not removed during currency of licence.
	40. Forfeiture of licences, &c.
	41. Production of licence, &c., on demand.
	42. Power of entry on land.
	<i>Seizure of Forest Produce</i>
	43. Seizure of forest produce.
	44. Procedure subsequent to seizure.
	45. Disposal of forfeited produce.

## PART I

## ADMINISTRATION

3. Minister of Forests.
4. Delegation of Minister's powers.
5. New Zealand Forest Service.
6. Conservancies.
7. Director of Forestry.
8. Appointment of Conservators of Forests.
9. Deputies of Director and Conservators.
10. Appointment of other officers.
11. Appointment of honorary rangers.
12. Officers not eligible to hold licence or lease under this Act.
13. Protection of Forest Officers.
14. Functions of the Forest Service.
15. Powers of the Minister, &c.

*Financial Provisions*

16. Receipts and expenditure.
17. Proportion of timber royalties applicable for roadmaking in certain cases.

## PART II

## STATE FOREST LAND

18. Governor-General may set apart land as State forest land.
19. Effect of setting apart land as State forest land.
20. Forest sanctuaries.
21. Errors of description in Proclamations may be amended.

*Protection of State Forest Land Against Fire*

46. Unlawful lighting of fires on State forest land.
47. Offence to leave burning or smouldering substance.
48. Right holders to provide fire-fighting equipment.
49. Duty to endeavour to extinguish fires.
50. Offence not to comply with two last preceding sections.
51. Requisition of assistance to extinguish fires.
52. Costs of fire-fighting.
53. Operation of Forest and Rural Fires Act, 1947.

*Offences*

54. False entries or returns.
55. Unlawful cutting or removal of forest produce.
56. Unlawful interference with property of Crown.
57. Offences with respect to State forest land and animals and birds thereon.
58. Cattle trespassing on State forest land may be destroyed.
59. Offences with respect to Forest Officers.
60. Other offences.

61. General penalty for offences.
62. Liability for loss or damage.
63. Limitation of proceedings.

## PART III

FOREST SERVICE ADMINISTRATION  
OF PRIVATE FORESTS

64. Minister of Forests may act as agent for owner of private forest.
65. Sale of Maori-owned forest.
66. Administration of certain timber-bearing land in Buller Coalfield Reserve.
67. Revenue under last preceding section.

## PART IV

## MISCELLANEOUS PROVISIONS

68. Annual report.
69. Control of injurious importations and exportations.
70. Regulations as to control and eradication of diseases affecting trees, &c.
71. Orchard and Garden Diseases Act, 1928, not affected.
72. Regulations.
73. Repeals and savings.

## 1949, No. 19

AN ACT to Consolidate and Amend the Law Relating to the Management and Protection of Forests and Forest Land, and for Other Purposes Relating Thereto. [11th October, 1949]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Forests Act, 1949, and shall come into force on the first day of January, nineteen hundred and fifty.

Short Title  
and  
commencement.

2. In this Act, unless the context otherwise requires,—

Interpretation.  
1921–22, No. 43,  
s. 2;  
1939, No. 39,  
s. 25

“Cattle” includes any horse, mare, gelding, colt, filly, or foal; any bull, cow, ox, steer, heifer, or calf; any ram, ewe, wether, or lamb; and any ass, mule, goat, kid, boar, sow, or other pig; and any deer or other browsing animal:

Provided that for the purposes of this Act a suckling of any species under six months old and its mother shall be considered as one animal:

“ Conservancy ” means a forest conservancy under this Act:

“ Conservator ” means any Conservator of Forests appointed under this Act:

“ Director ” means the Director of Forestry appointed under this Act:

“ Forest Officer ” means an officer within the meaning of the Public Service Act, 1912, who is employed in the Forest Service:

“ Forest produce ” includes trees and other plants and the produce of trees and other plants, and also includes earth, rock, sand, shingle, and minerals when found in or removed from any State forest land or any other land for the time being administered by the Minister:

“ Minister ” means the Minister of Forests under this Act:

“ Service ” or “ Forest Service ” means the New Zealand Forest Service under this Act:

“ State forest land ” means land set apart as permanent State forest land or as provisional State forest land under this Act:

“ Timber ” includes trees when they have fallen, or have been felled, and whether sawn, hewn, split, or otherwise fashioned:

“ Trees ” includes not only timber trees, but also all other kinds of trees, shrubs, and bushes, seedlings, saplings, cuttings, suckers, and shoots of every description:

“ Working plan ” means a detailed written scheme of the operations to be undertaken on a specified area of forest land.

## PART I

### ADMINISTRATION

**3. (1)** The Governor-General may from time to time appoint a member of the Executive Council to hold office during his pleasure as Minister of Forests.

See Reprint  
of Statutes,  
Vol. VII, p. 522

Minister of  
Forests.  
1921-22,  
No. 43, s. 4

(2) The member of the Executive Council holding office as the Commissioner of State Forests when this Act comes into force shall be deemed to have been appointed as Minister of Forests under this Act.

(3) All references to the Commissioner of State Forests in any Act, regulation, rule, by-law, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever shall, unless inconsistent with the context, be read hereafter as references to the Minister of Forests.

(4) Any contract, agreement, licence, lease, permit, or other right or authority which the Minister is authorized to enter into or grant under this or any other enactment shall be entered into or granted by him in the name and on behalf of His Majesty the King. All such contracts, agreements, licences, leases, permits, and other authorities that have been entered into or granted by the Commissioner of State Forests before this Act comes into force shall be deemed to have been entered into or granted by him on behalf of His Majesty, and all rights, powers, and liabilities vested in or imposed upon the Commissioner of State Forests or the Minister by any such contracts, agreements, licences, leases, permits, and other rights and authorities shall be deemed to vest in His Majesty when this Act comes into force.

(5) The Minister may from time to time exercise on behalf of His Majesty all His Majesty's rights and powers under any such contract, agreement, licence, lease, permit, right, or authority.

4. (1) The Minister may from time to time, by writing under his hand, delegate to the Director or any other Forest Officer, or to the holder for the time being of any office in the Forest Service, such of his statutory powers as he thinks fit.

Delegation of  
Minister's  
powers.

(2) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(3) Any such delegation may be made subject to such restrictions and conditions as the Minister thinks fit, and may be made either generally or in relation to any particular case.

(4) Unless and until any such delegation is revoked it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the Director or other officer to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding the office.

(5) The fact that the Director or any other Forest Officer purports to exercise any power of the Minister shall in the absence of proof to the contrary be sufficient evidence of his authority so to do.

New Zealand  
Forest Service.  
1921-22, No. 43,  
s. 5

5. (1) There shall be a Department of State to be called the New Zealand Forest Service, which shall be the same Department as that existing under the name of the State Forest Service at the coming into force of this Act.

(2) All references to the State Forest Service in any Act, regulation, rule, by-law, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever shall, unless inconsistent with the context, be read as references to the New Zealand Forest Service.

Conservancies.

6. (1) For the purpose of the administration of this Act the Minister may, by notice in the *Gazette*, from time to time—

(a) Constitute any part of New Zealand as a forest conservancy, and assign a name to any conservancy so constituted; or

(b) Alter the boundaries or change the name of any such conservancy; or

(c) Abolish any such conservancy.

(2) The Minister may appoint a place, either within or without the conservancy, to be the principal Forest Service Office for each conservancy.

Director of  
Forestry.  
Ibid., s. 7

7. There shall from time to time be appointed a Director of Forestry, who shall be an officer of the Public Service and shall be the administrative head of the New Zealand Forest Service.

**8.** (1) In each conservancy there shall from time to time be appointed as an officer of the Public Service a Conservator of Forests, who shall be the principal representative of the New Zealand Forest Service in the conservancy for which he is appointed.

Appointment  
of Conservators  
of Forests

(2) All persons holding office on the coming into force of this Act as Conservators of Forests shall be deemed to have been duly appointed under this Act.

**9.** (1) There may from time to time be appointed, a fit Forest Officer to be deputy of the Director of Forestry or of any Conservator of Forests.

Deputies of  
Director and  
Conservators.

(2) On the occurrence from any cause of a vacancy in the office of any person for whom a deputy has been appointed as aforesaid (whether by reason of death, resignation, or otherwise) and in the case of the illness, absence, or temporary incapacity of any such officer (from whatever cause arising), and so long as such vacancy, illness, absence, or temporary incapacity continues, the deputy shall have and may exercise all the powers, duties, and functions of the officer whose deputy he is.

(3) The fact that a deputy exercises any power, duty, or function as aforesaid shall be sufficient evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him so to do.

**10.** (1) There may from time to time be appointed as officers or employees of the Public Service such other officers and employees as may be necessary for the administration of this Act.

Appointment of  
other officers.  
1921-22, No. 43,  
s. 5 (1) (d)

(2) The persons last appointed to the offices of Director of Forestry and Chief Inspector of Forestry shall be deemed to be officers of the Public Service within the meaning of the Public Service Act, 1912.

See Reprint  
of Statutes,  
Vol. VII, p. 522

**11.** (1) The Minister may from time to time appoint such persons as he thinks fit to be honorary rangers for the purposes of this Act.

Appointment of  
honorary  
rangers.

(2) Every person appointed under this section shall be appointed for such term, not exceeding three years, as the Minister thinks fit, and may from time to time be reappointed, or may at any time be removed from

1921-22,  
No. 43, s. 10;  
1947, No. 60,  
s. 18

office by the Minister for incapacity, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(3) Every person appointed under this section shall hold office only in respect of an area to be determined by the Minister, and shall have such functions and duties as may be defined by the Conservator of Forests for the conservancy in which his functions and duties are to be exercised.

(4) No person appointed under this section shall be deemed by virtue of his appointment to be an employee of the Crown or a Forest Officer, and nothing in the Public Service Act, 1912, shall apply with respect to any such appointment.

See Reprint  
of Statutes,  
Vol. VII, p. 522

Officers not  
eligible to hold  
licence or lease  
under this Act.  
1921-22, No. 43,  
s. 12

**12.** No Forest Officer in his personal capacity shall hold or be interested in any licence, lease, permit, or other similar right or authority granted under this Act or under any Act hereby repealed; and no such officer in his personal capacity shall, whether as principal or agent, trade in, or be interested in any contract or agreement for the working or removal of any forest produce from any State forest land or from any land that is by this or any subsequent Act required to be administered by the Minister; and no such officer in his personal capacity shall hold or have any interest in any shares in any company which does anything which under this section it is unlawful for that officer to do.

Protection of  
Forest Officers.  
*Ibid.*, s. 62

**13.** No matter or thing done by any Forest Officer, honorary ranger, or other employee of the Forest Service in good faith in the exercise of his powers or in the performance of his duties under this Act shall subject that officer, ranger, or other employee to any personal liability in respect thereof.

Functions of  
the Forest  
Service.  
*Ibid.*, s. 6;  
1939, No. 39,  
s. 26

**14.** The Forest Service, under the direction of the Minister and subject to the provisions of this Act, shall have exclusive responsibility for carrying out all matters of forest policy affecting State forest land and land which, by this or any other Act (including any subsequent Act), is required to be administered by the Minister; and shall have exclusive control and management of—

(a) All State forest land, whether for the production of timber or other forest produce, or for the protection of the land with a view to water

- conservation or soil stabilization, or for ensuring the balanced use of the land, or for scientific purposes, or for recreational or amenity purposes not prejudicial to forestry;
- (b) The establishment, culture, and maintenance of forests on State forest land, and the harvesting, utilization, transport, sale, or other disposal of forest produce from State forest land;
  - (c) The granting of licences, leases, permits, and other rights and authorities under this Act;
  - (d) The enforcement of the conditions of licences, leases, permits, and other rights and authorities granted under this Act or any enactment hereby repealed;
  - (e) The collection and recovery of all purchase-moneys, rents, fees, royalties, charges, and revenues of the Service; and
  - (f) Generally the exercise of all powers, authorities, and duties conferred or imposed on the Minister or the Forest Service by this Act.
- 15.** (1) The Minister may from time to time—
- (a) Prepare and carry out forest surveys, including surveys necessary for the demarcation of forests, for working plans, for land utilization, for water conservation, for soil stabilization, and for timber assessment:
  - (b) Acquire, use, and develop land for the growth of trees and other plants; for providing access; for the carrying on of farming operations incidental to the management and operation of State forest land; for the conservation of water; for the protection of native wild life; for the stabilization of soil, including sand fixation; and for amenity purposes, including scientific purposes or such recreational purposes as are consistent with the proper use, management, and utilization of State forest land:
  - (c) Make provision for the establishment, culture, growth, protection, maintenance, management, and utilization of forests on State forest land or on any other land for the time being under the management of the Minister and for purposes incidental thereto:

Powers of  
the Minister,  
&c.

1921-22, No. 43,  
ss. 22 and 38;  
1939, No. 39,  
s. 28

- (d) Co-ordinate the policies and activities of the Forest Service and other Government departments, local authorities, and public bodies in relation to the establishment, protection, management, and utilization of forests:
  - (e) Train Forest Officers and employees, conduct forest research work, and collect and disseminate forestry information:
  - (f) Prepare and issue plans and publications for the advancement of forestry:
  - (g) Make provision for the setting up of such advisory committees as he thinks fit after consultation with those affected:
  - (h) Make provision generally for the administration of this Act.
- (2) In exercise of the powers conferred on him by the last preceding subsection, the Minister may from time to time:—
- (a) Purchase any land, or take any land on lease or other tenancy, acquire easements, or purchase timber or other forest produce:
  - (b) Erect, purchase, or take on lease or other tenancy, dwellings for occupation by Forest Officers or employees of the Forest Service or other persons employed on State forest land, and erect, purchase, rent, or lease hostels and other buildings and provide all necessary services, conveniences, and amenities:
  - (c) Subject to the provisions of this and any other Act, construct and maintain roadways, tracks, tramways, and other works for the establishment and maintenance of forests and for the transport of timber and other goods, and purchase tramways and other works for such purposes and operate tramways or works so constructed or purchased, and purchase, rent, or charter and use aircraft, vehicles, and vessels with the necessary motive power:
  - (d) Generate, accumulate, distribute, supply, and sell electrical energy in accordance with the needs of the Forest Service and its officers,

employees, right-holders, and contractors, and give directions as to the disposal of any surplus electricity generated or accumulated:

Provided that in the exercise of the powers conferred by this paragraph the Minister shall conform to the provisions of the Public Works Act, 1928, relating to electric lines:

See Reprint  
of Statutes,  
Vol. VII, p. 772

- (e) Sell or otherwise dispose of any forest produce at such prices or at such rates and subject to such conditions as he may determine:
- (f) Establish and carry on any operations or industry relative to the felling, cutting, extraction, removal, conversion, manufacture, transport, distribution, or sale of timber, forest produce, or finished products derived from forest produce, and erect, purchase, rent, or lease any buildings, machinery, or plant required in connection therewith:
- (g) Enter into any contract or agreement for the carrying-out of the purposes of this Act:
- (h) Carry on any farming operations incidental to the management of any forest, and purchase cattle and cultivate and grass State forest land for the purpose of supplying farm produce to forest villages and to persons on State forest land, and sell any such cattle or any farm crop or farm produce:
- (i) Advance moneys by way of grants, loans, subsidies, or otherwise for the encouragement of tree-planting and the establishment, protection, maintenance, and management of forests by persons, local authorities, and companies:
- (j) From time to time on behalf of His Majesty subscribe for or otherwise acquire and dispose of shares or interests in any company having as its principal object or objects anything which the Minister or the Forest Service is empowered to do under this Act or under any other enactment, and may from time to time exercise on behalf of His Majesty all of His Majesty's rights and powers as holder of any such shares or interests.

(3) In addition to the authority conferred on the Minister by the foregoing provisions of this section, the Governor-General may take, under the Public Works Act, 1928, as for a public work within the meaning of that Act, any land which in his opinion is required for any purpose for which the Minister may acquire land under this section.

(4) All lands purchased or otherwise acquired by the Minister or taken by the Governor-General under this section or under the corresponding provisions of any previous Act shall be deemed to be set apart as permanent State forest land.

(5) All documents which require to be executed for the purposes of this Act by or on behalf of His Majesty may, unless otherwise provided by this Act, be executed by the Minister and, if so executed, shall be as valid and effectual as if executed by or on behalf of His Majesty.

#### *Financial Provisions*

Receipts and  
expenditure.  
1948, No. 56,  
s. 3

16. (1) All moneys received by the Crown from the operation of this Act shall be paid into the Public Account and shall be credited to such funds or accounts as may be determined from time to time by the Minister of Finance.

(2) All moneys payable under this Act shall be paid out of moneys from time to time appropriated by Parliament for the purpose.

(3) The Minister shall at the end of each financial year or as soon thereafter as practicable cause to be prepared and forwarded to him in such form as the Minister of Finance may approve or direct such statements of account showing the income and expenditure or profit and loss of the activities or operations conducted by the Service, together with such balance-sheets as the Minister of Finance may approve or direct. A copy of the statements of account and balance-sheets shall be laid before both Houses of Parliament within twenty-eight days after the receipt of the same by the Minister, if Parliament is then in session, and, if not, shall be laid before both Houses of Parliament within twenty-eight days after the commencement of the next ensuing session.

17. (1) Subject to subsection three of this section, there shall be paid to the local authority in whose district the timber is obtained a sum of money equivalent to—

Proportion of  
timber royalties  
applicable for  
roadmaking  
in certain cases.  
1924, No. 64,  
s. 17  
1939, No. 35

(a) One-fifth part of the moneys received from royalties on and the net proceeds of sales of timber from Crown land set apart by Proclamation as State forest land (State forest land to which the next succeeding paragraph applies or which is otherwise acquired being excepted); and

(b) One-tenth part of the moneys received from royalties on and the net proceeds of sales of timber from State forest land which immediately prior to the passing of the Land Laws Amendment Act, 1939, was reserved as national-endowment land:

Provided that the sum payable as aforesaid to any local authority may, on the recommendation of the Director, be distributed by the Minister in such proportions as he thinks fit amongst that local authority and any other local authority or local authorities within whose district or districts any such timber may be or has been transported by road.

(2) In the case of any district where no local authority exists the sums of money payable under this section in respect of that district shall be paid into a separate account in the Public Account and shall be applied for the purposes of this section under the direction of the Minister or of such person as he may appoint.

(3) On a certificate by the Director that he has approved the work on which the money has been or is to be expended, the Minister may pay the aforesaid sums of money, out of moneys appropriated by Parliament for the purpose, to the local authority or into the separate account as hereinbefore provided, and the sums of money shall be applied exclusively in constructing, repairing, and maintaining roads:

Provided that any sums of money so paid to a local authority may be applied by that local authority to recoup its general fund or any other fund or account out of which the local authority, with the approval of the Director, has, in anticipation of the receipt of those sums, expended any moneys in the construction, repair, or maintenance of roads.

(4) In this section the term "timber" does not include the timber of any trees artificially planted or the timber of any trees not indigenous to New Zealand.

(5) Wherever it appears to the Minister that any moneys paid to any local authority under this section have not been properly applied to the objects for which they were so paid, the Minister may proceed for the recovery of those moneys as a debt due to the Crown by the local authority, or in his discretion may deduct the amount of those moneys from any subsidy or other moneys payable at any time by the Crown to the local authority under this or any other Act.

## PART II

### STATE FOREST LAND

Governor-General may set apart land as State forest land.  
1921-22, No. 43, ss. 18 and 21

18. (1) The Governor-General may, by Proclamation, set apart any land vested in the Crown, and not held in trust for any purpose inconsistent with this Act, as permanent State forest land or as provisional State forest land under this Act.

(2) All land which on the coming into force of this Act is comprised in any permanent State forest or provisional State forest shall be deemed to be set apart as permanent State forest land or as provisional State forest land, as the case may be, under this Act.

1939, No. 35

(3) Where any land was reserved as national-endowment land and was comprised in any State forest immediately prior to the passing of the Land Laws Amendment Act, 1939, nothing in section seven of that Act shall be deemed to have made that land become ordinary Crown land subject to the Land Act, 1924, or cease to be State forest.

(4) All land proclaimed as a forest reserve prior to the fourth day of August, nineteen hundred and eight, and which at the coming into force of this Act is vested in the Crown and not held in trust for any purpose inconsistent with this Act shall be deemed to be permanent State forest land under this Act.

(5) All references to State forests, or to permanent State forests or provisional State forests in any Act, regulation, rule, by-law, order, or other enactment, or

in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever shall, unless inconsistent with the context, be read hereafter as references to State forest land, permanent State forest land, or provisional State forest land, as the case may be.

**19.** (1) The setting apart of any land as permanent State forest land shall not be revoked or altered except by Act of Parliament.

Effect of setting apart land as State forest land.

1921-22, No. 43, ss. 19 and 20

(2) Land set apart as provisional State forest land shall for all purposes of this Act be State forest land unless and until the Governor-General, acting on the joint recommendation of the Minister of Lands and of the Minister of Forests, shall, by further Proclamation, declare that the land is required for settlement purposes or for the purposes of a public reserve. The effect of any such further Proclamation shall be that the land defined in the further Proclamation shall cease to be provisional State forest land, and shall become Crown land available for sale, lease, reservation, or other disposition under the provisions of the Land Act, 1948.

1948, No. 64

(3) This section is subject to the Scenery Preservation Act, 1908, and to Part III of the Public Reserves, Domains, and National Parks Act, 1928.

See Reprint of Statutes, Vol. VIII, p. 613; Vol. VI, p. 1161

**20.** (1) The Governor-General may from time to time, by Proclamation, set apart any area or areas of State forest land as a forest sanctuary for the purpose of preserving in their natural state the indigenous flora and fauna therein and for scientific and other like purposes.

Forest sanctuaries. 1948, No. 56, s. 2

(2) Upon the issue of any such Proclamation the land set apart thereby as a forest sanctuary shall become, or continue to be, permanent State forest land, but in relation to the forest sanctuary the provisions of this Act as to State forest land shall be applied in a manner which will ensure that the purposes for which the sanctuary has been established will be at all times maintained and promoted.

(3) A Proclamation under this section shall not be revoked, nor shall any area included in a forest sanctuary be excluded therefrom except by Act of Parliament.

Errors of description in Proclamations may be amended.  
1925, No. 37,  
s. 3

**21.** (1) Where in any Proclamation under this Act or under any Act repealed by this Act there has been made any error of description (whether with respect to the boundaries or area of the land to which the Proclamation relates, or otherwise howsoever) the Governor-General may revoke the Proclamation and issue in its place a fresh Proclamation with amended particulars and descriptions, or may by a further Proclamation amend the original Proclamation.

(2) Every fresh Proclamation or amending Proclamation issued under this section shall, according to its tenor, take effect as from the date on which the original Proclamation was intended to take effect or as from such other date as may be therein specified in that behalf.

Exchanges of land.  
Ibid., s. 4

**22.** (1) It shall be lawful for the Governor-General, whenever he deems it expedient in the public interest so to do, and is satisfied that it is not prejudicial to forestry, to grant in fee-simple any area of State forest land in exchange for the fee-simple of any other land, and on any such exchange to pay or receive any sum by way of equality of exchange:

1940, No 25

Provided that nothing in this section shall derogate from the provisions of section four of the Maori Purposes Act, 1940.

(2) All land acquired by the Crown by any such exchange shall be deemed, as from the date of its acquisition, to be set apart as permanent State forest land under this Act, and, notwithstanding anything to the contrary in this Act, all land granted in fee-simple by the Governor-General under this section shall cease to be State forest land.

Fencing of State forest land.

**23.** (1) The Minister may from time to time take such steps as he may think fit for the fencing of any State forest land.

(2) The Minister may enter into an agreement upon such terms and conditions as he considers reasonable with an occupier of land adjoining State forest land for the fencing of the common boundary.

See Reprint of Statutes, Vol. I, p. 677

(3) Where any fence within the meaning of the Fencing Act, 1908, is erected pursuant to an agreement with any such occupier, that occupier shall be liable, notwithstanding anything to the contrary in that Act, to pay

such amount as may have been agreed upon by the Minister and the occupier, and that amount may be recovered from the occupier as a debt to the Crown.

**24.** Except as provided in any other Act, State forest land and the timber and other forest produce thereon or therein shall not be dealt with otherwise than in conformity with this Act.

State forest land not to be dealt with except pursuant to this Act.  
1921-22, No. 43, s. 24

**25.** (1) Maps of all State forest land, certified under the hand of the Surveyor-General, shall be deposited in the Head Office of the Forest Service as soon as possible after the land becomes State forest land, and fresh maps of any such land may be so certified and deposited from time to time.

Maps of State forest land to be prepared and recorded.  
Ibid., s. 25

(2) Every map so deposited shall relate to such piece or pieces of State forest land as the Director thinks fit.

(3) Where any land shown on any such map ceases to be State forest land the map shall be altered accordingly; and where the Director desires that any map shall cease to relate to any land, or shall relate to any other land, the map may be altered accordingly. Every alteration under this subsection shall be certified by the Surveyor-General.

(4) Every such map shall be open to public inspection at the prescribed times on payment of the prescribed fee.

**26.** (1) The Director shall from time to time cause to be prepared working plans for all State forest land.

Working plans.  
Ibid., s. 26

(2) Every working plan to which this section applies shall, subject to the rights existing when the working plan comes into operation, regulate as hereinafter provided the management of the land described in the working plan for such period not exceeding twenty years as may be stated in the working plan and in conformity with the objects of management therein stated.

(3) Every such working plan shall specify with respect to the working plan period—

(a) The silvicultural operations to be carried out; and

(b) The maximum area from which forest produce may be disposed of; and

(c) The maximum quantity of forest produce that may be disposed of; and

(d) The protection and development operations to be carried out; and

(e) Such other matters as the Director thinks fit.

(4) Every working plan shall be subject to the approval of the Minister, and, when so approved, shall have effect according to its tenor from a date specified therein, and shall not be altered save by the Minister on the recommendation of the Director.

Forest produce presumed to be the property of the Crown. 1921-22, No. 43, s. 55

**27.** When in any proceedings under this Part of this Act a question arises as to whether any forest produce is the property of the Crown, that produce shall be presumed to be the property of the Crown until the contrary is proved.

Property in forest produce not to pass until paid for. *Ibid.*, s. 60

**28.** All forest produce upon which any purchase-money, royalty, dues, or other charges are payable to the Crown under this Act or the regulations thereunder shall, until the payment thereof, remain the property of the Crown, and, in default of payment within one month of the due date, may be disposed of as the Minister may direct.

Power to sell by auction without licence as auctioneer. *Ibid.*, s. 13  
See Reprint of Statutes, Vol. I, p. 405

**29.** Any Forest Officer, in the performance of his duties and with the authority in writing of the Minister, may hold auctions of forest produce, and may submit permits or other rights to public auction, without being the holder of a licence under the Auctioneers Act, 1928.

#### *Licences, Leases, Permits, &c.*

Power to grant licences, leases, permits, &c. 1921-22, No. 43, ss. 28, 29 (2), and 30; 1939, No. 39, s. 27  
1948, No. 76

**30.** (1) The Minister may, under and subject to this Act and to the Tenancy Act, 1948, grant to any person, exclusively or in common with others, licences, leases, permits, and other rights and authorities in respect of any State forest land:

Provided that no licence, lease, permit, right, or authority shall be so granted if it is inconsistent with any existing licence, lease, permit, right, or authority in respect of the same land.

(2) Every licence, lease, permit, right, or authority granted under this Act shall be granted subject to the payment by the grantee of such charges, rents, purchase-moneys, royalties, or other fees and to such conditions as the Minister may impose.

(3) The powers conferred by this Act to deal with forest produce shall be subject to the Coal-mines Act, 1925, in respect of coal, the Mining Act, 1926, in respect of gold, precious metals, precious stones, or minerals, the Petroleum Act, 1937, in respect of petroleum, and the Iron and Steel Industry Act, 1937, in respect of iron-ore.

See Reprint of Statutes, Vol. V, pp. 843 and 943; and 1937, Nos. 27 and 33

**31.** (1) A licence under this Act may confer on the licensee, subject to this Act and the regulations thereunder, and to conditions to be specified in the licence, rights to enter upon the State forest land therein defined and to carry out all operations necessary for the obtaining, conversion, and removal of such timber and other forest produce as may be specified therein.

Licences.

1921-22, No. 42, s. 29; 1925, No. 37, s. 10

(2) Notwithstanding anything to the contrary in the Kauri-gum Industry Act, 1908, or in any other Act, no licence other than a licence under this Act shall, after the commencement of this Act, be issued to dig for kauri-gum within the limits of any State forest land.

See Reprint of Statutes, Vol. IV, p. 443

**32.** (1) Leases under this Act may be granted in respect of any State forest land for any purpose which in the opinion of the Minister is not prejudicial to forestry.

Leases.

1921-22, No. 43, s. 32; 1925, No. 37, s. 7

(2) Without restricting the generality of the last preceding subsection, it is hereby declared that leases may be granted under this Act for the following purposes, namely:—

(a) For grazing and other purposes of a like nature:

Provided that no lease of provisional State forest land shall be granted for those purposes for a longer term than one year save with the prior consent in writing of the Minister of Lands:

(b) As sites for mills or factories and appurtenances thereto for the conversion of forest produce; and for roadways, tramways, and incidental purposes:

(c) As sites for tents or buildings for the use of persons holding licences or permits under this Act; and for any industrial purposes:

(d) For recreation purposes.

(3) No lease under this Act shall be granted for a term exceeding thirty-three years.

(4) No compensation shall be payable to a lessee on the expiry of a lease under this Act for any improvements effected on the land comprised therein; but the lessee shall be entitled at any time before or within three months after the expiry of his lease to remove any buildings, fences, or other improvements effected or acquired by him, or to dispose of them to an incoming lessee:

Provided that the Minister shall have the right at any time within the last year of the lease to notify the lessee that the Minister intends at the expiry of the lease to purchase any such improvements at a price to be fixed, in default of agreement, by arbitration, and in any such case the improvements shall be the property of the Crown at the expiry of the lease, and shall not after the notice be removed from the land by the lessee.

Permits.

1921-22, No. 43,  
s. 33

**33.** A permit granted under this Act may confer on the holder, according to its tenor, the right to enter upon any State forest land and to do all such things thereon as may be specified in the permit, not being prejudicial to forestry or to the rights conferred on any other person by any licence, lease, permit, right, or authority under this Act.

Service  
tenancies.

1948, No. 76

**34.** Subject to the Tenancy Act, 1948, the Minister may grant tenancies or occupancies of dwellings on State forest land, or on land held by him on lease or other tenancy, to officers or employees of the Service or other persons employed in State forest operations under such circumstances, at such rent, and upon such terms and conditions as may be prescribed by regulations made under this Act or as may be approved by the Public Service Commission if there are no such regulations or in cases where the regulations do not apply.

Mining  
privileges and  
coal-mining  
rights.

1926, No. 69,  
ss. 5 and 8

See Reprint  
of Statutes,  
Vol. V, p. 943

**35.** (1) Notwithstanding anything in the Mining Act, 1926, or in any other Act, a Warden shall not grant any mining privilege or coal-mining right in, upon, or over State forest land except with the consent in writing of the Minister of Forests and subject to such conditions as he may impose.

(2) Save as provided in the next succeeding subsection every licence for a tramway for the conveyance of timber granted by a Warden purporting to act under the Mining Act, 1926, or any Act repealed by that Act. is hereby declared to have been validly granted.

(3) Nothing in the last preceding subsection shall apply to licences granted after the thirty-first day of October, nineteen hundred and twenty-two, unless the provisions of section one hundred and fifty-four of the Mining Act, 1926, have been complied with.

See Reprint  
of Statutes,  
Vol. V, p. 943

(4) Nothing in subsection two of this section shall apply to licences granted after the first day of October, nineteen hundred and twenty-five, unless the provisions of subsection one of this section have been complied with.

(5) Notwithstanding anything in the Mining Act, 1926, or the Coal-mines Act, 1925, or in any licence, lease, title, right, privilege, or other authority under those Acts granted after this Act comes into force, no person shall cut, extract, or remove any timber or other forest produce on or from State forest land except in accordance with the provisions of this Act.

Ibid., p. 843

**36.** The Minister of Mines may notify the Minister of Forests that areas of State forest land approximately defined in the notice are believed to be coal-bearing, and after the notice no lease or licence to cut timber within the area shall be granted without the consent of the Minister of Mines.

Timber-cutting  
leases or  
licences over  
coal-bearing  
lands in  
State forests.  
1925, No. 37,  
s. 10

**37.** Where any licence, lease, permit, right, or authority has been granted in respect of State forest land, whether the land was set apart as State forest land before or after the grant, the Minister of Forests shall have the duty of taking, and is hereby empowered to take, all necessary proceedings to enforce any conditions of the licence, lease, permit, right, or authority, and in respect of any breaches of the conditions, and in respect of any act or omission contrary to the terms upon which the licence, lease, permit, right, or authority was granted.

Minister to  
enforce  
obligations  
of licensee, &c.  
1921-22, No. 43,  
s. 3 (2)

**38.** (1) Where any person is authorized to cut and remove trees or other forest produce from any specified area of State forest land any boundaries of which have been cleared and defined, he shall at all times keep those boundaries clear of fallen trees, debris from logging or cutting operations, and young growth, so that those boundaries remain clear and defined.

Boundaries to  
be kept clear.

(2) Where different persons have been authorized to cut and remove trees or other forest produce from specified adjoining areas of State forest land any

common boundaries of which have been cleared and defined, each of those persons shall be liable to keep only one-half of the length of those common boundaries clear as aforesaid, and if any question arises as to which portion each person shall keep clear it may be decided by any Conservator in whose conservancy any portion of either of the areas is situated.

(3) If any person who is liable under this section to keep any boundary or any portion of any boundary of any such area clear as aforesaid fails to do so to the satisfaction of any Conservator in whose conservancy any part of the area is situated within fourteen days after the receipt by him of a notice from that Conservator requiring him to clear that boundary or portion, the Conservator may cause the boundary or portion to be cleared as aforesaid at the expense of that person, and if the amount is not paid on demand it shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown.

Forfeiture of  
forest produce  
not removed  
during currency  
of licence.  
1921-22, No. 43,  
s. 31

**39.** (1) A licensee or other authorized person, upon application by him in that behalf, may be granted a period not exceeding thirty days from the expiry date of his licence or other authority, or of any extension or renewal thereof, for the purpose of removing any forest produce felled, cut, or otherwise taken during the currency of his licence or other authority or of any extension or renewal thereof.

(2) All forest produce obtained under the authority of a licence or other authority under this Act and not removed from the area in respect of which the licence or other authority was granted during the currency of the licence or other authority or of any extension or renewal thereof, or of any period allowed under the last preceding subsection, shall be forfeited to the Crown.

Forfeiture of  
licences, &c.  
Ibid., s. 34

**40.** Every licence, lease, permit, right, or authority under this Part of this Act shall be liable to forfeiture or suspension, at the discretion of the Minister, for default in payment of any purchase-money, charges, rents, royalties, or fees payable thereunder, or on breach or non-observance by the holder of any of the provisions of this Act or of the regulations thereunder or of the conditions expressed in his licence, lease, permit, right, or authority, as the case may be.

**41.** (1) Every person who does on State forest land any act for which under the provisions of this Act a licence, lease, permit, right, or other authority is required shall produce the appropriate licence, lease, permit, right, or authority authorizing him to do the act within a reasonable time after he is required to do so by a constable, Forest Officer, or honorary ranger; and every person who refuses or fails to do so commits an offence against this section.

Production of licence, &c., on demand.

(2) Any constable, Forest Officer, or honorary ranger, who finds any person committing any breach of the provisions of this Act, or of any regulations thereunder, may require that person to give his name and address, and if the constable, Forest Officer, or ranger has reasonable ground to suppose that the name or address given is false may require evidence of the correctness thereof; and every person who refuses or fails to give his name and address or evidence of the correctness thereof, or who gives a false name or address or false evidence with respect to his name or address, commits an offence against this section.

(3) Every person who commits an offence against this section shall be liable on summary conviction to a penalty not exceeding twenty pounds.

**42.** (1) Any Forest Officer, and any person authorized in that behalf by a Forest Officer, may enter upon any land in respect of which any licence, lease, permit, right, or authority has been granted under this Part of this Act for the purpose of making inspections, or carrying out silvicultural operations or other forest work, and may enter upon any such land or any other land, whether the property of the Crown or not, for the purpose of preventing or detecting offences against this Act, or for preventing or suppressing or investigating the origin of fires endangering any State forest land.

Power of entry on land.  
1921-22,  
No. 43, s. 48

(2) Any person who obstructs or hinders any Forest Officer or other person authorized as aforesaid in the exercise of his powers under this section commits an offence against this Act.

### *Seizure of Forest Produce*

**43.** (1) Where any constable or Forest Officer has reason to believe that an offence has been committed in respect of any forest produce, or that any forest produce

Seizure of forest produce.  
Ibid., ss. 52  
and 53

has been cut, removed, or otherwise dealt with contrary to the provisions of this Part of this Act, or has been abandoned, he may seize that produce, and for that purpose may enter any land or building.

(2) While any forest produce is in course of conveyance in, through, or within one mile of any State forest land, or is on any railway or on board any vessel, any constable or Forest Officer may do all or any of the following things:—

(a) He may stop and enter any vehicle or vessel carrying the produce and detain that vehicle or vessel for so long as is necessary for the purposes of this section:

Provided that a Magistrate, on an application made in that behalf, may order a release of the vehicle or vessel if he considers that it is being detained unreasonably:

(b) He may examine the produce and for that purpose may enter any land or building:

(c) He may require the person in possession of the produce to explain his right to be in possession of that produce and, if that person refuses or fails to give a satisfactory explanation, may seize the produce.

(3) Where any forest produce is seized under the foregoing provisions of this section the constable or Forest Officer who seizes it may require the person in charge of any vehicle or vessel on which it is loaded to take it to such place as he may specify and there to unload it:

Provided that a Magistrate, on application made in that behalf, may vary the place to which the produce is to be taken if he considers it unreasonable to require the produce to be taken to the place specified.

(4) Every person who fails to do any act which he is required to do under the last preceding subsection within a reasonable time commits an offence against this Act.

(5) Where any forest produce is seized under the foregoing provisions of this section it shall become and remain the property of the Crown until the claim of a lawful owner is established.

(6) The branding or marking of any timber or other forest produce with a distinctive mark, or the affixing thereto of a written and signed notice of seizure, shall

constitute a seizure for the purposes of this section, and any person who thereafter, without the written permission of the person making the seizure or of a Magistrate, removes or interferes with the timber or other forest produce seized shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds.

**44.** (1) When any timber or other forest produce has been seized under the last preceding section, the person making the seizure shall forthwith give written notice of the seizure to all persons in possession of, or owning, or reasonably believed to own, the timber or other forest produce, and shall also file a notice of seizure in the office of the Magistrate's Court nearest to the place of seizure. Notice in writing of the seizure shall also be posted forthwith in the nearest Service or other public Government office and at the police-station nearest to where the seizure was made. If within fourteen days after the affixing, giving, filing, and posting of notices as aforesaid no one claims to be the owner of the timber or other forest produce, a Magistrate shall, upon application being made in that behalf, either order the seized timber or other forest produce to be forfeited to the Crown, or make such order as he thinks just vesting the same in any person.

Procedure  
subsequent to  
seizure.  
1921-22, No. 43,  
s. 54

(2) Notwithstanding anything contained in the last preceding subsection any Forest Officer may order at any time the release of any produce seized and the withdrawal of any notice of seizure in respect of the produce, which shall thereupon cease to be the property of the Crown.

**45.** Any timber or other forest produce forfeited in pursuance of this Act may be sold or otherwise disposed of as the Minister may determine.

Disposal of  
forfeited  
produce.  
Ibid., s. 61

### *Protection of State Forest Land Against Fire*

**46.** Every person commits an offence against this Act who—

- (a) Without lawful authority, lights, kindles, or assists to light or kindle, or aids or abets any other person to light or kindle, any fire on State forest land; or

Unlawful  
lighting of  
fires on State  
forest land.  
Ibid., s. 44

- (b) Without lawful authority, lights, kindles, or assists to light or kindle, any fire within one mile of any State forest land if any forest produce is thereby burnt or injured or is in danger of being burnt or injured; or
- (c) Leaves, without having taken due precaution against its spreading or causing injury to State forest land, any fire lit or kindled by him or in the lighting or kindling of which he has aided or abetted.

Offence to  
leave burning  
or smouldering  
substance.

**47.** Every person commits an offence against this Act who throws, leaves, or drops any lighted match, pipe-ashes, lighted cigarette, lighted cigar, ashes from a gas-producer, or other burning or smouldering substance on any State forest land at any time and omits before leaving the spot wholly to extinguish the fire of the burning or smouldering substance.

Right holders  
to provide  
fire-fighting  
equipment.

**48.** (1) Every holder of any licence, lease, permit, right, or authority under this Part of this Act who is conducting on State forest land any operation which is likely to present a fire hazard shall provide equipment which is suitable and adequate for the purpose of fighting fires and for securing the safety of lives from fire in the area, and shall place that equipment in localities and upon sites where it will be readily accessible and convenient for use, and shall provide such structures and do all such things as may be necessary for the protection of the equipment, and shall maintain the equipment in good order and condition and ensure that it is readily accessible and convenient for use at all times.

(2) Where any such holder is conducting any operation which in the opinion of any Forest Officer is likely to present a fire hazard, and where in the opinion of the Forest Officer the provisions of the last preceding subsection are not being complied with in any respect, the Forest Officer may from time to time, by notice in writing, require the holder to take such measures as may be specified in the notice for the purpose of complying with those provisions.

(3) Any person who is dissatisfied with any requirements of a Forest Officer under the last preceding subsection may, within fourteen days after notice thereof

has been given, appeal to the Fires Appeal Tribunal constituted under the Forest and Rural Fires Act, 1947, which Tribunal may confirm, vary, or cancel the requirements. The decision of the Tribunal shall be final and conclusive. 1947, No. 34

49. (1) Any person who becomes aware of a fire burning unattended in the open air on State forest land or within one mile of State forest land shall immediately cease the work or other activity on which he is engaged or employed and shall do everything reasonably within his power to extinguish the fire, whether or not there is an immediate danger of it causing damage; and if he finds he is unable to extinguish the fire he shall forthwith cause the nearest available Forest Officer to be notified of the outbreak, and shall then continue so far as possible to endeavour to control and extinguish the fire until it is brought under control or until he obtains the approval of a Forest Officer to desist. Duty to endeavour to extinguish fires.

(2) Where a fire breaks out on any area of State forest land in respect of which any person holds any licence, lease, permit, right, or authority under this Part of this Act, or within one mile of that area, or along or within twenty chains of such portion of any route regularly traversed in the course of forestry operations in connection with that area as is on State forest land or within one mile of any State forest land, that person and his servants, agents, and employees, if they discover or become aware of the outbreak of fire while they are on that area or on that portion of that route or within five miles of the boundary of that area or of any part of that portion of that route, shall immediately cease the work or other activity on which they are engaged or employed and shall do everything reasonably within their power to extinguish the fire, whether or not there is an immediate danger of it causing damage; and if they find they are unable to extinguish the fire they shall forthwith cause the nearest available Forest Officer to be notified of the outbreak, and shall then continue so far as possible to endeavour to control and extinguish the fire until it is brought under control or until they obtain the approval of a Forest Officer to desist.

(3) Where a fire is burning on land within one mile of any State forest land and the fire is in danger of spreading to State forest land, any occupier of the land on which the fire is burning and any person having any right or licence in respect of that land and all employees of any such occupier or person, if they discover or become aware of the fire while they are on the last-mentioned land or within five miles of the boundary of that land, shall take all possible steps to extinguish it; and if they are unable without assistance to do so shall forthwith cause the nearest available Forest Officer to be informed of the existence and locality of the fire and shall then continue so far as possible to endeavour to control and extinguish the fire until it is brought under control or until they obtain the approval of a Forest Officer to desist.

Offence not to comply with two last preceding sections.

**50.** Every person commits an offence against this Act who fails to comply in any respect with any provision of the two last preceding sections or with any requirement imposed under those sections.

Requisition of assistance to extinguish fires.

1921-22, No. 43, s. 45

**51.** (1) In the event of a fire occurring in or within one mile of any State forest land a Forest Officer may require any fit male person over the age of eighteen years residing or working on State forest land or within five miles of the boundary of any State forest land on which the fire is burning or to which it is likely to spread to assist in extinguishing the fire.

(2) In exercising any power under the provisions of this section, the Forest Officer shall leave available a sufficient number of men to protect other property.

(3) All persons, other than members of a voluntary rural fire-fighting organization, who, in response to a requirement pursuant to this section, or by arrangement with the Forest Officer, render assistance shall be entitled to be remunerated by the Forest Service under such circumstances, at such rate, and subject to such conditions as may be prescribed by regulations under this Act or as may be approved by the Minister if there are no such regulations or in cases where the regulations do not apply, and they shall be deemed for the purposes of the Workers' Compensation Act, 1922, while so acting to be employed by the Forest Service.

See Reprint of Statutes, Vol. V, p. 597

(4) Every person who without sufficient cause, the proof whereof shall lie on him, fails to comply immediately with the request of a Forest Officer under this section commits an offence against this Act.

**52.** (1) In any case where there has been an outbreak of fire which constituted a hazard to State forest land and which has been controlled or suppressed by a Forest Officer or other person duly authorized in that behalf the whole or any portion of the costs incurred shall, if the Minister so determines, be payable by the owner of the land on which the fire occurred or by the owner of any land containing property which has been protected by the control or suppression of the fire.

Costs of  
fire-fighting.

(2) The costs so determined by the Minister shall be paid into the Public Account at such times and by such instalments as the Minister determines, and the amount thereof shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown.

(3) If any owner is dissatisfied with the determination made by the Minister pursuant to subsection one of this section for the payment of costs incurred in the control or suppression of any fire, that owner may at any time within one month after notice of the Minister's determination has been given to him appeal against the determination to the Fires Appeal Tribunal established under the Forest and Rural Fires Act, 1947.

1947, No. 34

(4) On the hearing of the appeal the Fires Appeal Tribunal may amend the determination in such manner and in respect of such owners as it thinks fit, and the decision of that Tribunal shall be final and conclusive.

**53.** Nothing in this Act shall affect the operation of the Forest and Rural Fires Act, 1947, with respect to rural fire districts.

Operation of  
Forest and  
Rural Fires  
Act, 1947.

### *Offences*

**54.** Every person who makes or causes to be made, in any book, return, declaration, or statement required by this Act or by the regulations thereunder to be kept or made, any entry or writing which he knows to be false in any material particular commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds:

False entries  
or returns.  
1921-22, No. 43,  
s. 42

Provided that if it be proved that the payment of royalties or other moneys payable to the Crown has been

evaded, and that the false entry or writing has been made or used for any purpose in connection with the evasion, the Court may add to the fine imposed on the conviction a further penalty not exceeding three times the amount of the moneys, the payment whereof shall be proved to have been so evaded.

Unlawful cutting or removal of forest produce.

1921-22,  
No. 43, s. 43  
1926, No. 69,  
s. 4

**55.** (1) Every person who, without lawful authority fells, cuts, injures, destroys, obtains, or removes any forest produce in, on, or from any State forest land commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding one month or a fine not exceeding one hundred pounds.

(2) In addition to any penalty imposed under the foregoing provisions of this section there may be imposed a penalty not exceeding three times the value of the forest produce the subject-matter of the proceedings, and every such penalty shall be recoverable as a fine.

Unlawful interference with property of Crown.

1921-22, No. 43,  
s. 46

**56.** Every person commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds who, without lawful authority, the proof whereof shall lie on him, takes or interferes with or causes to be taken or interfered with any buildings, materials, tools, goods, or chattels of any nature being the property of the Crown and being in or upon State forest land or for the time being in the possession of the Minister.

Offences with respect to State forest land and animals and birds thereon.

*Ibid.*, s. 47

**57.** Every person commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds who, except pursuant to a licence, lease, or permit under this Act, or other lawful authority,—

- (a) Hunts, shoots, or destroys, or sets snares for the purpose of capturing, any animals or birds on State forest land; or
- (b) Liberates any animal on State forest land; or
- (c) Occupies, clears, or breaks up any State forest land for cultivation or any other purpose; or
- (d) Allows any cattle owned by him or under his control to graze on State forest land; or
- (e) Fails to remove any cattle from State forest land when required by notice from a Forest Officer so to do within such reasonable period as may be specified in the notice; or
- (f) Enters any State forest land.

58. (1) All unbranded cattle above the age of six months, or apparently above that age, which are at any time depasturing on State forest land not comprised in a lease for grazing purposes granted under this Part of this Act, and which have no reputed owner, shall be deemed to be the property of the Crown, and any Forest Officer may cause any such cattle to be destroyed, sold, or otherwise disposed of if so authorized by the Minister.

(2) The proceeds of the sale of any such cattle shall be paid into the Consolidated Fund.

(3) Where branded cattle, or any cattle which have a reputed owner, are found on State forest land not comprised in a lease for grazing purposes granted under this Part of this Act, and cannot be impounded by reason of their wildness, the Minister may authorize any Forest Officer to issue, once a week for two consecutive weeks in some newspaper circulating in the locality, a notice calling on the owner of the cattle to remove them from the land and giving warning that if they are not removed within one month from the date of the first of the notices they will be destroyed. If any such cattle are not removed within the time mentioned in the notice any Forest Officer may cause them to be destroyed if so authorized by the Minister, and no liability shall attach to the Crown, or the Minister, or the Forest Officer, or any person for any damage occasioned thereby.

59. Every person commits an offence against this Act who—

(a) Offers violence to, or assaults, obstructs, threatens, or attempts to intimidate, any Forest Officer, honorary ranger, or other person under the control of the Director while that officer, ranger, or person is acting in the exercise of his powers or the discharge of his duties under this Act; or

(b) Gives, or agrees to give, or offers to any such officer, ranger, or person, any gift, or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown, by that officer, ranger, or person in or in relation to the exercise of such powers or the discharge of such duties as aforesaid.

Cattle trespassing on State forest land may be destroyed.

1925, No. 37, s. 12

Offences with respect to Forest Officers.

1921-22, No. 43, s. 41

Other offences.  
1921-22, No. 43,  
s. 49

**60.** Every person commits an offence against this Act who does any of the following things, namely:—

- (a) Counterfeits upon or unlawfully fixes to any forest produce any mark used by and appropriated for the use of Forest Officers:
- (b) Without due authority, makes or causes to be made, or uses or causes to be used, or has in his possession, a brand, stamp, or badge which resembles or purports to be a brand, stamp, or badge such as is usually used by Forest Officers:
- (c) Counterfeits or without due authority issues any licence or other authority for the cutting, removal, or sale of forest produce:
- (d) Unlawfully alters, obliterates, defaces, pulls up, removes, or destroys any boundary-mark, or any stamp, mark, sign, notice, poster, licence, lease, permit, or other right or authority used or issued by the Forest Service or any Forest Officer:
- (e) Unlawfully destroys or damages any building, fence, gate, or other structure in, on, or enclosing any State forest land:
- (f) Without a licence, lease, permit, or other right or authority, does or causes to be done any act, matter, or thing for which a licence, lease, permit, or other right or authority is required under this Act:
- (g) Without the written authority of a Forest Officer, removes from any State forest land any forest produce without previously paying the proper dues or fees in respect thereof:
- (h) Knowingly furnishes any Forest Officer with a false or incorrect statement of any forest produce felled, cut, split, sawn, or removed by him or by any person as his agent or employee, on which purchase-moneys, dues, fees, or charges are payable to the Crown:
- (i) Without lawful authority, the proof whereof shall lie on him, receives any forest produce knowing the same to have been obtained without lawful authority:

- (j) Personates or falsely pretends to be a Forest Officer, ranger, or employee of the Forest Service.

**61.** Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable on summary conviction—

General  
penalty for  
offences.

1921-22, No. 43,  
s. 57

- (a) In the case of an individual, to imprisonment for a term not exceeding one month, or to a fine not exceeding one hundred pounds, and, if the offence is a continuing one, to a further fine not exceeding ten pounds for every day during which the offence continues, or to both such imprisonment and such fine;

- (b) In the case of a body corporate, to a fine not exceeding five hundred pounds, and, if the offence is a continuing one, to a further fine not exceeding fifty pounds for every day during which the offence continues.

**62.** Every person convicted of an offence under this Act shall be liable for any loss or damage caused by the act constituting the offence in addition to the penalty for the offence, and the amount payable in respect of that liability may be awarded by the Court in fixing the penalty and may be recovered as a fine. In assessing the amount so payable the Court may take into account salaries, wages, and incidental expenses incurred in the investigation of the act constituting the offence and in remedying the damage caused by that act and all other relevant factors.

Liability for  
loss or  
damage.

*Ibid.*

**63.** Any proceedings for an offence constituted by this Part of this Act, or for the recovery of any penalty, fine, or forfeiture imposed thereunder, may be commenced at any time within twelve months from the time of the discovery of the offence.

Limitation of  
proceedings.

*Ibid.*, s. 58

### PART III

#### FOREST SERVICE ADMINISTRATION OF PRIVATE FORESTS

**64.** (1) Subject to the terms of his appointment, the Minister of Forests may act as the agent of the Minister in charge of any other Department of State or of any local authority or person for the purpose of establishing, managing, or protecting any forest, or managing or protecting any land used or intended to be used for any

Minister of  
Forests may  
act as  
agent for  
owner of  
private forest.

1926, No. 69,  
s. 2

purpose in connection with any forest or proposed forest, or for the purpose of appraising or selling or utilizing any timber or other forest produce, or making inspections and preparing reports for any such purpose as aforesaid, or for all or any of those purposes.

(2) Any such Minister, local authority, or person having power to carry out any such purpose may appoint the Minister of Forests to act as his agent for that purpose for such period, on such terms and conditions, and at such remuneration, as may be determined by agreement.

(3) All land while under the management of the Minister pursuant to this section shall be administered as if it were State forest land, and while so administered all the provisions of this Act shall apply as if the land were State forest land.

(4) All expenses incurred by the Minister under this section may be paid out of moneys appropriated by Parliament for the purpose, and all fees and other moneys received by him in respect of services rendered by him while acting as agent under this section shall be paid into the Consolidated Fund.

See Reprint  
of Statutes,  
Vol. VI, p. 103

(5) Notwithstanding anything contained in the Maori Land Act, 1931, the provisions of this section shall apply to Maori land as defined by that Act, and the assembled owners of any such land may pass, in the manner prescribed by Part XVIII of that Act, a resolution appointing the Minister as their agent.

(6) Where the Minister is appointed under this section to act as agent for any purpose in connection with any land, forest, timber, or other forest produce—

(a) He shall have for that purpose all the powers and authorities he would have if the land was State forest land, and the forest was on State forest land, and the timber and other forest produce were products of State forest land; and

(b) He may execute and issue in his own name as agent for and on behalf of the Minister, local authority, or person for whom he is acting

such instruments as may be necessary to enable him to exercise his powers and carry out his duties; and

- (c) He may fix or approve any price or payment to be paid or made under any such instrument.

**65.** (1) After this Act comes into force neither the Maori Land Court nor a Maori Land Board shall grant any right to cut or remove trees or timber or confirm any instrument or grant of such right without the previous consent in writing of the Minister, who may in his discretion with the concurrence of the Minister of Maori Affairs refuse his consent or grant his consent wholly or partly and either unconditionally or upon or subject to such conditions as he thinks fit.

Sale of  
Maori-owned  
forest.  
1921-22, No. 43,  
s. 35 (2)

(2) In any consent the Minister may specify the area and kinds and sizes of trees to which the consent relates and also state therein the value of the trees or timber as assessed by the State Forest Service.

**66.** (1) Notwithstanding anything to the contrary in any other Act, the Governor-General may, on the joint recommendation of the Minister of Forests and of the Minister of Lands, from time to time, by Proclamation, declare that any land comprised in the Buller Coalfield Reserve, as the said reserve is described in the Third Schedule to the Westland and Nelson Coalfields Administration Act, 1877, shall, as from a date to be fixed in the Proclamation, be administered by the Forest Service as if it were State forest land within the meaning of this Act.

Administration  
of certain  
timber-bearing  
land in  
Buller Coalfield  
Reserve.  
1926, No. 69,  
s. 6  
1877,  
No. LXXIII  
(Local)

(2) Any such Proclamation may be at any time in like manner amended or revoked.

**67.** The revenue received by the Forest Service in respect to the administration of any lands under the last preceding section shall be credited to the Consolidated Fund.

Revenue under  
last preceding  
section.

## PART IV

### MISCELLANEOUS PROVISIONS

**68.** The Director shall in the month of April in each year, or as soon thereafter as practicable, cause to be prepared a report of all operations under this Act for the year ending on the preceding thirty-first day of March, and a copy thereof shall be laid before both

Annual report.  
1921-22, No. 43,  
s. 64

Houses of Parliament within twenty-eight days after the receipt of the same by the Minister, if Parliament is then in session, and, if not, shall be laid before both Houses of Parliament within twenty-eight days after the commencement of the next ensuing session.

Control of  
injurious  
importations  
and  
exportations.  
1948, No. 56,  
s. 5

69. (1) No person shall import into New Zealand any tree, tree-seed, timber, or timber product which in the opinion of the Minister may introduce any insect, fungus, bacterium, or virus in any of the life stages of those organisms that may be injurious to or may cause an unhealthy condition in any tree, tree-seed, timber, or timber product; and no person shall export from New Zealand any tree, tree-seed, timber, or timber product which does not comply with export requirements as to grading, treating, drying, manufacture, and merchandising. Such requirements shall be prescribed by regulations under this Act or by the Minister while no such regulations are in force, or in cases where the regulations do not apply.

(2) Any officer authorized in that behalf by the Minister may at any time enter into any conveyance or upon any land or premises or on board any ship for the purpose of inspecting any tree, tree-seed, timber, or timber product, and shall have all such powers and authorities as he deems necessary for enabling him to enforce the provisions of the last preceding subsection.

(3) If the authorized officer is of opinion that any of the said imports or exports are injurious or unhealthy or do not otherwise comply with the provisions of subsection one of this section, he may require the owner or his agent to remove them to such ground or depot as he may appoint for detention for the purpose of observation or he may require such imports or exports to be treated, disinfected, destroyed, or otherwise disposed of; and in the event of failure to comply with any such requirement the authorized officer may at the expense of the owner arrange for the necessary removal, treatment, disinfection, destruction, or other disposition as the case may require, and any such expense may be recovered as a debt due to the Crown.

(4) For the purposes of this section the Governor-General may from time to time, by Order in Council, make regulations not inconsistent with this Act for all or any of the following purposes:—

- (a) Appointing any specified ports or other places in New Zealand to be the only ports or places of entry or export for trees, tree-seed, timber, or timber products:
- (b) Appointing quarantine grounds or depots where trees, tree-seed, timber, or timber products, and packages containing them or with which they have or may have come into contact, may be detained for the purpose of observation or for the purpose of being inspected, treated, disinfected, destroyed, or otherwise disposed of:
- (c) Authorizing Forest Officers and such other persons as may from time to time be given authority in that respect to act as quarantine officers for the purposes of the regulations; and conferring on quarantine officers so authorized such powers and authorities as are deemed necessary to enable them to carry out the requirements of this Act and the regulations:
- (d) Prescribing the charges that may be made for the handling, treatment, disinfection, destruction, or other disposal of trees, tree-seeds, timber, or timber products which are found upon inspection to require such handling, treatment, disinfection, destruction, or other disposal:
- (e) Conferring such other powers and authorities as may be necessary or expedient for giving full effect to the provisions of this section and for the due administration thereof.

**70.** (1) The Governor-General may from time to time make regulations for the purpose of eradicating or preventing the spread of any disease which may affect areas, trees, tree-seed, timber, forests, or forest products.

Regulations as to control and eradication of diseases affecting trees, &c.

1941, No. 26,  
s. 29

(2) Without limiting the general power conferred by the last preceding subsection, it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

- (a) Prescribing the treatment and measures to be adopted in respect of any trees, tree-seed, timber, forests, forest products, or buildings or other structures, which are affected by disease or likely, in the opinion of any Forest Officer, to become affected by disease:
- (b) Providing for the destruction of any trees, tree-seed, timber, forests, or forest products, buildings or other structures, debris from tree-felling operations or the refuse from saw-milling operations, in any case where any Forest Officer is of the opinion that treatment may not completely destroy the disease, or that treatment has failed to destroy the disease:
- (c) Prohibiting or controlling the bringing into any specified portion of New Zealand from any other portion or specified portion of New Zealand of any trees, tree-seed, timber, or forest products, which are diseased, or likely, in the opinion of any Forest Officer, to become diseased:
- (d) Authorizing Forest Officers at all reasonable times to enter on any land or premises where trees or forests are growing or tree-seed or timber or forest products are lying or stored or stacked for the purpose of inspecting the same or, in any case where default has been made in complying with any of the requirements of any regulations, for the purpose of carrying out those requirements at the expense of the person making default.

(3) For the purposes of this section “disease” means any disease which may affect trees, tree-seed, timber, forests, or forest products, and which the Governor-General from time to time by Order in Council declares to be a disease within the meaning of this section, whether or not caused by or consisting of the presence of any insect, fungus, bacterium, or virus.

**71.** Nothing in the two last preceding sections shall affect the operation of the provisions of the Orchard and Garden Diseases Act, 1928.

Orchard and Garden Diseases Act, 1928, not affected.

1941, No. 26,  
s. 29 (5);  
1948, No. 56,  
s. 7

See Reprint  
of Statutes,  
Vol. I, p. 136

**72.** (1) The Governor-General may from time to time, by Order in Council, make regulations not inconsistent with this Act for all or any of the following purposes:—

Regulations.

1921–22, No. 43,  
s. 63;  
1941, No. 26,  
s. 28;  
1948, No. 56,  
s. 6

- (a) Regulating the management of State forest land, and the cutting, hewing, sawing, or other methods of conversion of timber or other forest produce, and the disposal of logging and industrial waste and debris therefrom:
- (b) Prescribing the forms of licences, leases, permits, and other rights and authorities under this Act, and the conditions and restrictions subject to which the same may be granted; and prescribing also the method by which and the conditions subject to which the same may be transferred, mortgaged, renewed, extended, determined, cancelled, forfeited, surrendered, or withdrawn:
- (c) Prescribing the procedure for the sale by auction, or by tender, or by other method of forest produce, and enabling upset prices or minimum charges to be fixed:
- (d) Prescribing the fees or deposits to be paid with any application or tender:
- (e) Prescribing the amounts of purchase-money, rent, fees, dues, and charges payable in respect of licences, leases, permits, and other rights and authorities under this Act; and prescribing charges to be paid to the Crown in respect of services rendered by Forest Officers:
- (f) Regulating the exercise of the rights conferred by licences, leases, permits, and other rights and authorities under this Act; making provision for the protection and preservation of

trees, timber, and other growth; and regulating the measurement, appraisal, cutting, marking, and removal of timber and other forest produce:

- (g) Prescribing the mode in which any forest produce is to be branded or marked for any purpose whatsoever; and providing for the registration of brands or marks:
- (h) Requiring the holders of licences, leases, permits, and other rights and authorities under this Act or under any Act hereby repealed to produce for inspection by the Director, or any person acting with the authority of the Director, all books of account, returns, and other documents connected with any such licence, lease, permit, right, or authority:
- (i) Prescribing the books and records to be kept and the returns to be made by persons directly or indirectly taking delivery of timber or other forest produce from State forest land:
- (j) Regulating or prohibiting the lighting and use of fires on any State forest land or within one mile of any State forest land:
- (k) Prescribing means for the prevention or suppression of fires on State forest land and regulating or prohibiting traffic into, in, or through State forest land:
- (l) Prescribing procedure for stopping, detaining, or seizing any forest produce while it is on any State forest land or within one mile of any State forest land:
- (m) Providing for the registration of sawmills and other related factories or industrial plants and prescribing the mode of registration and the fees to be paid therefor:
- (n) Authorizing constables, Traffic Officers, and Forest Officers to prohibit or regulate the use of any public road or of any track on or within one mile of State forest land while a fire is in progress or fire-fighting operations are proceeding in the vicinity:

- (o) Prescribing the measures to be taken and the equipment and fire patrols to be provided and maintained by sawmillers and other persons engaged in industrial operations on State forest land or any other land within one mile of any State forest land for the prevention or suppression of fire or for diminishing the danger to life and property arising from fire:
- (p) Regulating the establishment and conduct of recreation and camping areas on State forest land, and prescribing the terms and conditions on which the same may be used and fees to be paid in respect thereof:
- (q) Constituting, or providing for the constitution, appointment, or election of advisory committees, and defining the functions of any such committee and the fees and allowances payable to the members thereof:
- (r) Regulating the type, design, and lay-out of any sawmill buildings and other industrial plant which are erected on State forest land or which deal principally with timber and other forest produce from State forest land, and of any associated workers' dwellings, amenities, conveniences, and services:
- (s) Prescribing the terms, conditions, and securities upon which moneys may be advanced to persons, local authorities, and companies for the establishment, maintenance, and protection of forests; and providing for the registration of forests, the terms and conditions and mode of registration, and the fees to be paid therefor:
- (t) Prescribing requirements as to the measuring, appraising, grading, treating, drying, manufacture, and merchandising of trees, tree-seeds, timber, or timber products intended for export:
- (u) Prescribing requirements or conditions in respect of the use, naming, manufacture, drying, treating, grading, handling, sale, supply, distribution, and disposal of timber and manufactured timber products, either generally or in respect of any specified area, timber, grade, or kind of timber or manufactured timber products; restricting or preventing the use, sale, or

disposal of timbers which are in short supply or which require to be conserved; and requiring returns to be made from time to time by producers and distributors of timber and other forest produce in respect of timber and other forest produce acquired, sawn, cut, hewn, converted, held, and disposed of by them:

- (v) Prescribing the rent to be paid for any dwelling provided by the Service and tenanted or occupied by any officer or employee of the Service or any other person employed in State forest operations; and prescribing the terms and conditions upon which any such officer or employee of the Service or other person employed in State forest operations may occupy such dwelling:
- (w) Prescribing penalties, not exceeding those which may be imposed under section sixty-one of this Act, for the breach of any regulations under this Act, or of the conditions of any licence, lease, permit, or other authority under this Act:
- (x) Generally for any purposes for which regulations are required or contemplated by this Act, and for giving full effect to the provisions of this Act.

(2) All regulations made under this Act shall be laid before both Houses of Parliament within twenty-eight days after the making thereof if Parliament is then in session, and, if not, shall be laid before both Houses of Parliament within twenty-eight days after the commencement of the next ensuing session.

(3) Regulations made under this Act may be so made as to apply generally throughout New Zealand or within any specified part or parts thereof, or within the whole of New Zealand except such part or parts as may be specified in the regulations.

Repeals and  
savings.

1921-22, No. 43,  
s. 65

**73.** (1) The enactments mentioned in the Schedule hereto are hereby repealed to the extent mentioned in that Schedule.

(2) All Proclamations, Orders in Council, orders, appointments, licences, leases, permits, grants, regulations, agreements, records, instruments, rights, and

generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into force of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into force of this Act, may be continued, completed, and enforced as if this Act had not been passed.

## SCHEDULE

Schedule.

Section 73

### ENACTMENTS REPEALED

1918, No. 10—

The War Legislation and Statute Law Amendment Act, 1918, section 34 (Reprint of Statutes, Vol. III, p. 447).

1921–22, No. 43—

The Forests Act, 1921–22 (Reprint of Statutes, Vol. III, p. 425).

1924, No. 64—

The Finance Act, 1924, section 17 (Reprint of Statutes, Vol. IV, p. 786).

1925, No. 37—

The Forests Amendment Act, 1925 (Reprint of Statutes, Vol. III, p. 448).

1926, No. 46—

The Finance Act, 1926, sections 6 and 21 (Reprint of Statutes, Vol. III, p. 438; Vol. VII, p. 501).

1926, No. 69—

The Forests Amendment Act, 1926, sections 2, 4, 5, 6, 8, and 9 (Reprint of Statutes, Vol. II, p. 451).

1927, No. 5—

The Finance Act, 1927, section 3 (Reprint of Statutes, Vol. III, p. 436).

1939, No. 39—

The Statutes Amendment Act, 1939, sections 24 to 29.

1941, No. 26—

The Statutes Amendment Act, 1941, sections 26 to 29.

1946, No. 42—

The Public Service Amendment Act, 1946: so much of the Schedule as relates to the Forests Act, 1921–22.

1947, No. 34—

The Forests and Rural Fires Act, 1947, sections 52 and 53 and the Schedule.

1947, No. 60—

The Statutes Amendment Act, 1947, sections 17, 18, 19, and 21.

1948, No. 56—

The Forests Amendment Act, 1948.